



MICHAEL R. PENCE, Governor  
STATE OF INDIANA

INDIANA DEPARTMENT OF HOMELAND SECURITY  
302 West Washington Street  
Indianapolis, IN 46204

### COMMISSION MEETING MINUTES

Indiana Fire Prevention and  
Building Safety Commission  
Government Center South  
302 W. Washington Street  
Indianapolis, Indiana 46204  
Conference Center Room B

July 7, 2015

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:00 a.m. on July 7, 2015.

(a) Commissioners present at the Commission meeting:

Ron Brown  
Gregory Furnish  
Kevin Goeden, representing the Commissioner, Department of Labor  
John Hawkins, Chairman  
Todd Hite, representing the Commissioner, Department of Health  
James Jordan  
Matt Mitchell  
Patrick Richard  
Jessica Scheunich  
Craig Von Deylen

Commissioners who were not present at the Commission meeting:

James Hoch

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services

Jonathan Whitham, General Counsel  
Cecilia Ernstes-Boxell, Code Specialist  
Denise Fitzpatrick, Code Specialist  
Beth Sutor, Secretary

(c) James Schmidt, Deputy Attorney General, was present



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Chairman Hawkins advised the audience that the staff, already shorthanded, would have a member on vacation the last two weeks of July. He noted that they would not be able to handle late requests in the regular time frame, and asked that those submitting applications do so in a timely manner. He also noted that the error message received by some submitters last month had been traced to the Pay Portal and DFBS systems not properly communicating. The problem was worse around midnight when file backups were being run.

## 2. Old Business

Chairman Hawkins called for any corrections or a motion for approval for the June 2, 2015, minutes. Commissioner Von Deylen moved to approve, with the second by Commissioner Jordan. It was voted upon and carried.

## 3. Boiler and Pressure Vessel Emergency Rule

Commissioner Von Deylen moved to approve the proposed rule, with the second by Commissioner Mitchell. It was voted upon and carried.

## 4. Ordinances

Building Ordinance No. 1488-2015  
Angola, Indiana

Following a brief question, Commissioner Richard moved to approve Ordinance No. 1488-2015, Angola, Indiana, with the second by Commissioner Von Deylen. It was voted upon and carried. Chairman Hawkins also voiced a concern about the Clayton, Indiana Ordinance not appearing on the July agenda, noting that the time restrictions for adoption were now in effect.

## 4. Variances

Tabled Variances

15-05-01 Chapel at Winery, Seymour

Thomas Pottschmidt, project engineer, spoke as proponent. The request was to omit a sprinkler system in the facility which is not on a public water system. A letter objecting to the variance had been submitted by the local fire official. Following a discussion of the \$67,000 quote for a sprinkler system and alternatives offered, Commissioner Richard moved to deny, with the second by Commissioner Scheurich. It was voted upon and carried.

15-05-52 Wilson Real Estate II, LLC, Leased as Goodwill, Greencastle

The owners spoke as proponents. It was explained that the sprinkler system had been approved by a private inspector in 2008 and in 2013. At the next inspection by the city, it was found that the sprinkler system was actually incomplete, and not installed throughout the building. The request, with the support of Chief Nugent of the Greencastle Fire Department, was to decommission the system since it had been out of service for many years, and to install hardwired smoke detectors. The tenant, Goodwill Industries, is separated from the rest of the building by a fire wall. Following discussion, Commissioner Von Deylen moved to approve with the condition that the variance be tied to this tenant only, and the system be decommissioned with a hardwired smoke alarm system meeting NFPA 13 requirements to be installed. It was voted upon and carried with one nay.

15-05-61 Sprinkler System, Westfield

Melanie Miles, owner of the Rail Epicurean Market, spoke as proponent. The Rail Epicurean Market, located on the first floor of the restored barn, had requested to expand to the second floor of the building. The request was to omit the code-required sprinkler system. The first floor, with an occupant load of 34, has the market, three tables plus counter, and a kitchen area with 2 six-burner stoves with Ansel systems. The second floor, planned to be used as a small bar, would have an occupant load of 25, and an additional exit would be installed to the exterior. The third floor would be a private office area. Bids for installing the necessary water lines and sprinklers were over \$29,000. Gary Harling, Westfield Fire Department, spoke in support of the variance. Following discussion, Commissioner Richard moved to approve with the condition that an interconnected, hardwired fire and smoke alarm system be installed, and that the variance goes with this tenant only. Commissioner Von Deylen made the second. It was voted upon and carried, with one nay.

15-06-01 FGE LLC Sprinkler System, Ft. Wayne

Jennie Lamb, representative for the owner, spoke as proponent. The request was to abandon the sprinkler system in the multi-tenant facility. The sprinkler system in the 1940's building had been inoperable for many years prior to their purchase of the property, and they had tried unsuccessfully to repair it. There are 11 hydrants around the building, inspected annually. Jim Murua, Ft. Wayne Fire Department, also addressed the Commission. Chairman Hawkins suggested they table the application and come back with a phased plan for protection. The proponent agreed to speak to the owner. Commissioner Richard moved to table until August to provide a plan. Commissioner Von Deylen made the second. It was voted upon and carried.

15-06-29 Owen Block Apartments, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. He advised the Commission members that a 13R sprinkler system would be installed in the entire building, including in the basement and fitness center. Following discussion, Commissioner Von Deylen moved to approve, with the condition that a 13R sprinkler system be installed. Commissioner Scheurich made the second. It was voted upon and carried.

15-06-35 Studio 321 Performance Seating, Evansville

Roger Lehman, RLehman Consulting, requested the variance be tabled. Commissioner Von Deylen moved to table, with the second by Commissioner Hite. It was voted upon and carried.

15-06-38 AccessAbilities, Merrillville

Renee Doughman, CEO, and Randy Firanell, attorney, spoke as proponents. The company provides home and day services to the disabled in Merrillville through the Medicaid waiver program. The request was to omit the sprinkler system due to an estimated cost of \$500,000. The participants are high-functioning, and capable of self-preservation, and the facility provides a 1:4 ratio of staff to participants. All day services are within a 10,000 square foot area by the exits, and travel distance is 25 feet. The town inspector, during his visit, said the pipes were too small to supply a sprinkler system for the entire building. Following further discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with one nay.

15-06-42(c)(d) Vue Apartments, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. She requested to withdraw (c) since the building will be fully sprinklered with an NFPA 13 system. Variance (d) was to allow the Type VA apartment building to have five stories, including the roof top deck and enclosed access area to the deck. The rooftop deck in the fully sprinklered building was supported by steel framing all the way up. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

15-06-65(a)(b)(c)(d) Subaru Paint Shop Lafayette

Christina Colletter, RTM Consultants, spoke as proponent. Variance (a) was a request to use an alternative secondary supply for high output speakers and strobes. Variance (b) was to allow the use of a non-compliant means of secondary power supply for high output speakers and strobes. The owners would like to use the existing sound patterns

which the employees are familiar with instead of the code-compliant pattern. Variance (c) was to allow strobes to be installed in a manner not compliant with code. Variance (d) was to allow the two buildings to be tied together with an open conveyer. Close spaced sprinklers will protect the openings. Ron Ritchey, Lafayette Fire Department, also addressed the Commission, noting they wanted to make sure who would determine the visual alarms are visible, since the audible alarm was weak. Following discussion, Commissioner Von Deylen moved to approve all four variances, with the second by Commissioner Jordan. It was voted upon and carried.

15-07-74(a)(b)(c) SIA G Line Stamping, Lafayette

Christina Colleter, RTM Consultants, spoke as proponent. Conical speakers and beacons, tied to an amp rack system, are being used throughout the building with non-compliant secondary power supplies. The audible alarm system will use the current evacuation tones instead of the code-compliant three pulse pattern. Following discussion, Commissioner Von Deylen moved to approve all three, with the second by Commissioner Richard. It was voted upon and carried.

15-06-70 (a)(b) Ray's Repair, Topeka

Rob Yoder, owner's rep, spoke as proponent. The existing facility will be adding 6960 square feet to the shop. This is a small Amish facility without electricity. The request in (a) was to use a reflective photo luminescent exit signs installed at each door in lieu of the electric signs. Variance (b) was to not comply with the requirement that the means of egress be illuminated at all times. The shop will not be occupied after dark. Following discussion, Commissioner Brown moved to approve both, with the second by Commissioner Jordan. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 10:30 a.m. It was called back to order at 10:41 a.m.

Chairman Hawkins again touched upon the Clayton Ordinance, noting that it needed to be on the August agenda to stay within the timeframe allowed by statute. He also led a discussion on an "L" category proposed by Jonathan Whitham for the staff review report. He noted that it would be applied to late submittals which are given no review but allowed to be heard, with a high probability of being tabled. Jeff Dean, City of Indianapolis, asked if this affected the required response of the local officials, and was told that it did not.

## Regular Variances

Chairman Hawkins called for any variances in the block vote to be called out. Commissioner Mitchell called out 15-07-38(c), Fly Creek School, LaGrange. Commissioner Brown requested a separate vote on 15-07-13(c), Chain O' Lakes School, Wolcottville, 15-07-23(c), Van Buren Hills School, Shipshewana, and 15-07-24(c), Countryside School, LaGrange. Commissioner Von Deylen noted he would abstain from voting on 15-07-53(a)(b)(c)(d)(e)(f), 101 Main, Lafayette, and 15-07-57, Slate, Indianapolis. Commissioner Richard then moved to approve the remaining "A" and "B" variances, with the second by Commissioner Von Deylen. It was voted upon and carried. A separate vote on 15-07-13(c), 15-07-23(c), and 15-07-24(c) was held. Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried with one nay vote.

The following variances were approved as submitted:

- (1) 15-07-02 Johnny's Market, Indianapolis
- (2) 15-07-03 1735 N. Lincoln Windows, Bloomington
- (3) 15-07-04 Northlane Windows, Bloomington
- (4) 15-07-09(a)(b)(c) Shuee Building Apartments, Greencastle
- (5) 15-07-10 Adult & Child Connector Addition, Indianapolis
- (6) 15-07-11(a)(b) Roberts Hall 5<sup>th</sup> Floor Build Out, Indianapolis
- (7) 15-07-12 The Scoop, Zionsville
- (8) 15-07-13(a)(b)(d) Chain O' Lakes School, Wolcottville
- (9) 15-07-14 IUPUI Natatorium Renovation, Indianapolis
- (10) 15-07-15 Pizzeria Pangea, Evansville
- (11) 15-07-16 Vincennes University Science Engineering Math Bldg., Vincennes
- (12) 15-07-17(a) University of Notre Dame Campus Crossroads Project, Notre Dame
- (13) 15-07-18 IPL Petersburg Plant Door Security, Petersburg
- (14) 15-07-19(a)(b) The Coal Factory, Indianapolis
- (15) 15-07-20(a)(b) Bishop Dwenger High School & Chapel Addition, Ft. Wayne
- (16) 15-07-21 Mainstreet Skilled Nursing Care and ALF, Bloomington
- (17) 15-07-22 Cold Stone Creamery, Indianapolis
- (18) 15-07-23(a)(b)(d) Van Buren Hills School, Shipshewana
- (19) 15-07-24(a)(b)(d) Countryside School, LaGrange
- (20) 15-07-27(a) Wolfe Building Apartments, Greencastle
- (21) 15-07-28(a)(b)(d) Clearspring School, LaGrange
- (22) 15-07-32(a)(b) BLFH Renovations Pacers Locker Room, Indianapolis
- (23) 15-07-38(a)(b)(d) Fly Creek School, LaGrange
- (24) 15-07-43 Lincoln Lodge Motel Addition, Clarks Hill
- (25) 15-07-45(c) Hamilton Heights Science Area Renovation, Arcadia
- (26) 15-07-48 82 Flats, Indianapolis
- (27) 15-07-53(a)(b)(e)(f) 101 Main, Lafayette
- (28) 15-07-56 Monticello Fire Station, Monticello
- (29) 15-07-57 Slate, Indianapolis
- (30) 15-07-58(a)(b) Millikan on Mass Phase II, Indianapolis
- (31) 15-07-60 Regenstrief Institute Inc. Headquarters, Indianapolis

The following variances were heard separately:

(31) 15-07-01 Reception Diagnostic Center Fire Hose Removal, Plainfield

William Dean, Safety Hazard Manager, spoke as proponent. The request was to remove the fire hoses from the facility. Following confirmation that only the hoses were being removed, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(32) 15-07-06 108 W. Main Street Remodel, Madison

Bernard Hauersperger, FPBH Inc., spoke as proponent. Owner, Valencia Crisafulli, was also present. The request was to omit a sprinkler system in an historic building with three apartments on the second floor and a business on the main floor. Sprinkler quotes had been \$60,000 for a 13R system. A 13D system had not been researched. Following discussion, Commissioner Mitchell moved to table, with the second by Commissioner Brown. It was voted upon and carried.

(33) 15-07-07 Hill's Market, Ft. Wayne

Julie Hill, owner, and Matt Schenkel, builder, spoke as proponents. The request was to allow the installation of only one restroom. When the CDR application was submitted, they had listed 35 employees, a number they hoped to attain in ten years or so. They actually have 6 to 8 employees per shift. Chairman Hawkins explained they could use the actual count to determine fixture count, and they could amend the CDR application. The proponent asked to table to allow them to amend the CDR. Commissioner Von Deylen moved to table, with the second by Commissioner Hite. It was voted upon and carried.

(34) 15-07-08(a)(b) Indiana State Fair Cooking Tents, Indianapolis

Jesse Olvera, Safety and Security Director, spoke as proponent. It had been suggested that, since the Fire Code had changed, the variances they already held concerning the cooking tents be resubmitted under the new code. Variance (a) was to allow cooking in tents during the State Fair only for all concessions. Variance (b) was to allow tents to be closer than the 10 feet allowed by code. The buildings near the tents are brick construction, and no egress would be affected. Commissioner Mitchell moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (35) 15-07-17(b) University of Notre Dame Campus Crossroads Project, Notre Dame  
Variance (b) was withdrawn.

- (36) 15-07-25 Cobblestone Crossings Health Campus, Terre Haute

No proponent was available for questions. Commissioner Scheurich moved to table, with the second by Commissioner Jordan. It was voted upon and carried.

- (37) 15-07-26 ABS Pilot Plant Fuel Storage, Mt. Vernon

No proponent was available for questions. Commissioner Scheurich moved to table, with the second by Commissioner Jordan. It was voted upon and carried.

- (38) 15-07-27(b)(c) Wolfe Building Apartments, Greencastle

Ed Rensink, RTM Consultants, spoke as proponent. Variance (b) was a request to allow the existing windows to remain on the second floor. All emergency exiting requirements are met, except they have canopies beneath the windows which face the one-story adjacent building. Commissioner Von Deylen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (c) was a request for points for a 13D sprinkler system on the third floor so they may pass the Chapter 34 evaluation with a 0 point score. Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (39) 15-07-28(c) Clearspring School, LaGrange

Rob Yoder spoke as proponent. The request was to omit the sprinkler system in the one-room Amish school with living quarters for the teacher's use two to three times per week. A basement is located beneath the classroom area, with the living quarters on grade. The floor joists are 2x12 lumber. Commissioner Von Deylen moved to approve with the condition that dimensional lumber be used for the floor system, and 5/8" Type X drywall was installed on the basement ceiling beneath the classroom area. Commissioner Richard made the second. It was voted upon and carried with one nay.



- (40) 15-06-38(c) Fly Creek School, LaGrange

Rob Yoder spoke as proponent. The request was to omit sprinklers. This building is new construction, on grade, with a separation wall located between the classroom and the living area. The living quarters for the teachers are located on the second floor, with an enclosed stair and egress windows. Following discussion, Commissioner Von Deylen moved to approve with the condition that 2 layers of drywall are to go on the ceiling beneath the living area, with resilient channels. Commissioner Richard made the second. It was voted upon and carried, with one nay.

- (41) 15-07-29 Canterbury Early Childhood Center, Ft. Wayne

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to permit the use of Chapter 34 in the conversion of a single-family dwelling into an early childhood center, a use not allowed by code. Jim Murua, Ft. Wayne Fire Department, also spoke to the Commission. He noted that they have been in existence for many years, and were found by a fire department inspector during a school inspection. Following discussion, Commissioner Furnish moved to approve with the condition that there will not be more than five students under the age of 2½ years old enrolled at the Center. A letter listing the names and ages of those enrolled was to be sent annually, at the beginning of the school year, to the DHS staff and the Ft. Wayne Fire Department. Commissioner Von Deylen made the second. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 12:00 p.m. It was called back to order at 1:05 p.m.

- (42) 15-07-30 The Coil Apartments, Indianapolis

Dennis Bradshaw, FP&C Consultants, spoke as proponent. Several months previously, there were variances sought and approved for the apartment complex. At the time, the architect expected compliance with the height restriction for Type V-A construction. It is now thought the buildings will be 70'3" for the south building and 71'4" for the north, but not to exceed 72'. The type V-A construction will be separated from the podium and garage by a 3 hour fire barrier. Following discussion, Commissioner Brown moved to approve with the second by Commissioner Hite. It was voted upon and carried.

- (43) 15-07-31(a)(b) The Art House Tenant Space, Goshen

No proponent was available for questions. Commissioner Richard moved to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(44) 15-07-33 Bay Point Pool Fence Replacement, Syracuse

Tom Hamilton, spoke as proponent. The request was to allow the replacement of the 1970's 4' tall chain link fencing around the pool with 5' tall vertical bar design fencing. It was felt that the line of sight for the condos surrounding the pool had provided security for the residents, and they wish to continue that. The posts will be set in concrete, not surface mounted. Commissioner Brown moved to approve, with the second by Commissioner Jordan. It was voted upon and carried with one nay.

The proponent for 15-07-31, The Art House Tenant Space, Goshen, was now in attendance. Commissioner Mitchell moved to reverse the earlier motion to table, with the second by Commissioner Von Deylen. It was voted upon and carried.

(45) 15-07-31(a)(b) The Art House Tenant Space, Goshen

Ed Rensink, RTM Consultants, spoke as proponent. Variance (b) was a request to allow a posted maximum occupant load of 49 for the second floor tenant space instead of the calculated occupant load to establish the existing space as a B Occupancy. Bench seating is provided, and the basement stair will be partially closed. The freight elevator will be sectioned off with fire barriers, and exit signs updated. Following a lengthy discussion, Commissioner Von Deylen moved to approve with the condition that they may have ticketed events only for 49 occupants per performance, and fire extinguishers are to be provided. Commissioner Hite made the second. It was voted upon and carried. Variance (a) was a request to allow the second means of egress, an enclosed stair from the second floor, to pass through a first floor tenant's restaurant. The door is currently locked off, and the owner would remove the door to allow free access to second floor occupants. Exit signage would be provided. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Jordan. It was voted upon and carried with three nay votes.

(46) 15-07-34 Mater Dei High School Kitchen Renovation, Evansville

Gwen Godsey, Catholic Diocese of Evansville, spoke as proponent. The request was to allow the installation of Type II hoods, without suppression units, over the kitchen range in lieu of the Type I hoods required by code for their kitchen renovation. The school follows the USDA child nutrition guidelines, and uses are limited to baking, boiling and warming, thereby not producing grease-laden vapors. Signs are posted with the restrictions. Following discussion, Commissioner Brown moved to approve with the condition a sign prohibiting the production of grease-laden vapors be posted. Commissioner Scheurich made the second. It was voted upon and carried.

(47) 15-07-35 Paramount School of Excellence Greenhouse, Indianapolis

Matt Boone, Civil & Environmental Consultants, Inc., and Tom Reddicks, Paramount School of Excellence Executive Director, spoke as proponents. The request was to allow the greenhouse, a Group U Occupancy, to be four feet from the property line, closer than the code-compliant ten feet. The greenhouse is a hoop building, with poly covering, without electricity, heat source, etc., to be used for instruction on urban farming for students and the community. Margie Bovard, City of Indianapolis Fire Department, asked if it were to be used for classroom instruction, and was told it would not. Students in the structure would be participating in extra-curricular activities. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Furnish. It was voted upon and carried.

(48) 15-07-36 BMW Fabrication Shop, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The request was to allow the non-functioning sprinkler system in the existing building to be removed. The building is an F-2/S-2/B occupancy, and current code would not require the building to be sprinklered. The sprinkler heads will be removed, and signage added to the riser and fire department connection indicating the system is not functional. Following discussion, Commissioner Von Deylen moved to approve with the condition that the entire system be removed and standpipes capped. Commissioner Richard made the second. It was voted upon and carried.

(49) 15-07-37 Skilled Nursing & Assisted Living, Crown Point

Melissa Tupper, RTM Consultants, spoke as proponent. At inspection, the local fire official stated the outdoor fireplace had to comply with recreational fire requirements. The request was to allow a custom-made outdoor natural gas fire pit installed closer to a building than the twenty five feet allowed by code. The building is of Type VA Construction, with a nursing home on the first floor and assisted living on the second. A wall-mounted fire extinguisher will be installed immediately next to the fire pit, and shut-offs are inside the building and by the doorway. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(50) 15-07-39 Advantage Components Corporation, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. The facility, built in 1909 as part of a complex, does not have a functioning sprinkler system due to age, and the demolition

of the other complex structures. The request is to be allowed to not maintain the sprinkler system while leaving it in place for possible use by the next owner. Following discussion, Commissioner Von Deylen moved to table to allow cost for removal research, with the second by Commissioner Hite. It was voted upon and carried.

(51) 15-07-40(a)(b) City of Nappanee Pavilion, Nappanee

Gail Gerber, City of Nappanee, spoke as proponent. Variance (b) was a request to not sprinkle a permanent, open-air pavilion being built by the city, fearing the lines and heads would freeze with no walls to provide protection. Commissioner Von Deylen moved no variance required, with the second by Commissioner Richard. It was voted upon and carried. Variance (a) was to allow the pavilion to be on the property line instead of the code-required five feet. The building is of non-combustible construction. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(52) 15-07-41 Bank One Garage Apartments, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. This variance is to supersede variance 15-02-11(b) which allowed an NFPA 13 system without sprinkling the concealed combustible spaces in the apartment building. The building is to be protected by an NFPA 13R system with concealed spaces sprinklered. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

(53) 15-07-42(a)(b)(c) Eagledale Senior Living Apartments, Indianapolis

Melissa Tupper, RTM Consultants, spoke as proponent. An existing school is being converted to apartments using Chapter 34. The request in variance (a) is to permit the stairs which connect three floors to remain open, be protected by a draft curtain and close spaced sprinklers, yet have a 13R sprinkler system. Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (b) was a request to permit the existing 12" thick exterior masonry wall of the existing building to serve as a structurally independent 3-hour fire wall and separate the addition from the existing structure. Both will be sprinklered. Commissioner Brown moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Variance (c) was to allow the stairs which serve the third floor to remain open, with draft curtain and close spaced sprinkler protection. There is no place to enclose them above the second floor which is required by code. Commissioner Von Deylen moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

(54) 15-07-44 Skilled Nursing Assisted Living Facility, Dyer

Melissa Tupper, RTM Consultants, spoke as proponent. The request, similar to the Crown Point variance heard earlier, is to allow two outdoor fireplaces to be within 25' of the structure. As in the earlier variance, a fire extinguisher will be mounted on the wall by each fireplace, and shut-off valves inside. Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(55) 15-07-45(a)(b) Hamilton Heights Science Area Renovation, Arcadia

Ed Rensink, RTM Consultants, spoke as proponent. The request in variance (a) was to allow the two existing faculty toilet rooms, one male and one female, to move the fixtures from one side of the room to the other and relocating the door without complying with ICC A117.1 standards for new construction. The staff does not wish to have a unisex toilet room, preferring separate facilities. Following discussion including the reminder that the variance does not relieve them of their ADA obligations, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Variance (b) was withdrawn.

(56) 15-07-46 Fuel Tank at Fishers, Fishers

Ed Rensink, RTM Consultants, spoke as proponent. The Indy Fuel hockey team had recently purchased a building, and was renovating its mezzanine. The two stairs serving the mezzanine were just over the one third overall diagonal due to the existing mechanical room at the back. The area is to be used as a workout room and administrative offices. With the exception of over the ice rinks themselves, the building is sprinklered. Variance (b) was to allow an enclosed mezzanine, though it does not totally comply with specific exceptions. The two egress stairs provide access to exits in opposite directions, and the building is sprinklered except over the ice rinks. Following discussion, Commissioner Brown moved to approve both, with the second by Commissioner Von Deylen. It was voted upon and carried.

(57) 15-07-47(a)(b)(c)(d) Project Frontier Aseptic Building, Evansville

Roger Lehman, RLehman Consulting, Ben Greenburg, architect, and Tony Santana, Mead Johnson project engineer, spoke as proponents. Mead Johnson is expanding their baby formula bottling production in Evansville with a 6000 square foot addition to the existing facility. The request in variance (a) was to allow the increase of hydrogen peroxide, a Class 2 oxidizer, in the production day tank and piping from the allowed ten gallons to twenty gallons. The filler machine sprays a mist of hydrogen peroxide from the tank mounted on the filler into bottles to sterilize them before drying and filling with formula. The misting system is a closed system, monitored for leaks. The HVAC does 25 air exchanges per hour in the area. Before each shift and during production, the machine

is checked. Commissioner Brown moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (b) was to allow the 2 small conveyor openings in a 3-hour fire wall to omit rated assemblies and not be self-closing per code requirements. An FM water spray system will be installed to protect the openings in the wall. Commissioner Brown moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried. Variance (c) is to allow a 3-hour fire wall to not extend from the foundation as required. The addition extends into the loading docks, and the docks are recessed under the existing building. A 4-hour ceiling will be provided in the dock area to complete the protection for the dock. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Variance (d) is to allow the outside storage tank of Class 2 Oxidizer to exceed 100 gallons and not be more than 35 feet from buildings. It is plastic, double-walled, has sensors for leaks and temperatures, and has secondary containment. The fill pipe access will be locked, with specific personnel provided with keys, to prevent the tank from being filled with an incorrect substance. Commissioner Brown moved to approve, with the second by Commissioner Jordan. It was voted upon and carried.

(58) 15-07-49 Lilly CRSO Relocation – 5<sup>th</sup> Floor, Bldg. K314, Indianapolis

Ed Rensink, RTM Consultants, Tim Puls, Eli Lilly and Company, and Dr. Matt Boeher, Eli Lilly and Company, spoke as proponents. The Corporate Reference Standards Organization is being moved from the first floor of Bldg. 312 to the fifth floor of Bldg. K314. In doing so, the allowable amount of toxic materials held in the CRSO inventory is reduced by code. The request is to allow up to 60 pounds of combined solid and liquid toxic materials. The facility is designed for long-term storage, and the only open use is dispensing within a ventilated hood. It will be separated by a 2-hour wall, and will have its own air handling system. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

(59) 15-07-50 Store N Lock, Evansville

Roger Lehman, RLehman Consulting, spoke as proponent. The proponent explained the building placement and identified changes to the layout of the storage facility made since the last presentation. He also indicated drywall was to be installed on the inside of all exterior walls facing non-compliant drives. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

**Breaking and reconvening.** Chairman Hawkins recessed the Commission at 2:47 p.m. It was called back to order at 2:58 p.m.

(60) 15-07-51 The Tap, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The tenant space was originally designed for a pharmacy, without a vertical exhaust duct to the roof. The restaurant tenant has proposed to locate the exhaust duct into a covered alley which is 45 feet wide and 24 feet high, open at each end, and well away from intakes. Following a lengthy discussion, Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

(61) 15-07-52 Louie's Wine Dive, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. A kitchen exhaust hood was mounted 3 inches from a wood stud wall covered with gypsum board and a stainless steel sheet, which is not code-compliant. Derek Hoffman, City of Indianapolis, also addressed the Commission. He noted the duct is wrapped, but the hood was mounted on a combustible wall. Following further discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(62) 15-07-53(c)(d) 101 Main, Lafayette

Ed Rensink, RTM Consultants, spoke as proponent. Variance (c) was to allow the use of an NFPA 13R system in a building which exceeds four stories. Closets will be sprinklered, and floor control valves will be provided. Commissioner Brown moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Commissioner Von Deylen abstained. Variance (d) was to allow non-rated exterior openings within ten feet of a stairway. The windows will be protected by sprinkler heads mounted at ceiling level above each opening within the 10 foot horizontal distance. Commissioner Brown moved to approve, with the second by Commissioner Jordan. It was voted upon and carried. Commissioner Von Deylen abstained.

(63) 15-07-54(a)(b)(c)(d) Rock City Lofts, Wabash

Melissa Tupper, RTM Consultants, spoke as proponent. The request in variance (a) was to allow the building, being evaluated by Section 3412, to exceed allowable height. An NFPA 13 sprinkler system will be installed with Class I standpipe outlets throughout. Commissioner Von Deylen moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance (b) was a request for enough points to change a negative 14 score for height to a negative 11.9 in the Fire Safety column and a negative 14 score to a negative 13.6 score in the Means of Egress column. Commissioner Brown moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (c) was to allow the percentage of exterior openings based upon the fire separation distance to exceed the amount allowed by code. The windows will be protected by sprinklers. Commissioner Von Deylen moved to approve, with the second

by Commissioner Brown. It was voted upon and carried. Variance (d) was a request to allow the existing stairs in the building to remain unchanged while the stairs from the third to the fourth floor will comply with current code. Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(64) 15-07-55(a)(b)(c) Angie's List Moto Café, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. A 2-story building was being converted from a call center to an employee café. Variance (a) was a request to allow a canopy over the eastern exterior door on a zero lot line plot. Variance (b) was to allow a new exterior stair on the north side of the building on a zero lot line plot. Variance (c) was to allow openings on the north and east side of buildings on a zero lot line plot. Angie's List owns both buildings, but they are on separate deeds and plats. Following discussion, Commissioner Von Deylen moved to approve with the condition that both properties be owned by the same person. Commissioner Scheurich made the second. It was voted upon and carried.

(65) 15-07-58(c) Millikan on Mass Phase II, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow removable laundry room doors in Type A units G and H. This will provide clear floor space parallel access. This design complies with the Federal Fair Housing Act, though not with A-117.1. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(66) 15-07-59 Indianapolis Fire Fighters Union L-416 Addition, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request is to allow the two new restrooms on the existing second floor to not be ADA compliant. The area into which the restrooms are to be built is accessed by a set of 5 steps, without room to provide an accessible route. Accessible restrooms are available on the first floor and on the second floor of the addition by way of the new elevator. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Hite. It was voted upon and carried.

(67) 15-07-61 The Flats at Switch, Fishers

Ed Rensink, RTM Consultants, spoke as proponent. This variance is intended to supersede variance 14-09-24(a). An NFPA 13R system will be installed, with attics and small closets sprinkled as well. Commissioner Brown moved to approve, with the second by Commissioner Scheurich. It was voted upon and carried.



- (68) 15-07-62 747 College Ave Mixed Use Project, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. An NFPA 13R system will be installed, according to the 2014 IBC requirements, with sprinklers in small closets. Commissioner Brown moved to approve with the condition that the 2014 IBC is listed as the code from which the variance is granted, with the second by Commissioner Scheurich. It was voted upon and carried.

- (69) 15-07-63 Grand and Main, Carmel

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the 2-hour fire wall separating the open parking garage from the residential structure to be supported by the structural system of the parking garage. The apartment is a wood frame structure, protected by an NFPA 13R system, while the garage is an NFPA 13 system. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Jordan. It was voted upon and carried.

- (70) 15-07-64 the LaSalle Apartments, South Bend

Ed Rensink, RTM Consultants, spoke as proponent. A 1910 hotel is being renovated and converted into 63 dwelling units. The request is to omit general mechanical kitchen exhausts in the units. Chairman Hawkins noted the footnotes to the table used were changed and made no sense by applying the same footnote to residential and commercial kitchens. Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (71) 15-07-65(a)(b) Renovations to Old Princeton HS Grades 6-8, Princeton

Ed Rensink, RTM Consultants, spoke as proponent. The first phase of renovation was completed in 2013 for grades 3 through 5, and the second phase was recently completed. Open concept plan classrooms were enclosed, and didn't pass the audible requirements within the rooms from hallway horns. The request in (a) was to reduce the audibility requirements per NFPA 72 Sec. 18.4.3.2. Chuck Koons, J. W Simpson Engineering, stated the horns had been set at 10 decibels, and had passed in the hallway, but to place them in the rooms would make it difficult for the teacher to be heard. Commissioner Furnish moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Variance (b) dealt with the requirement of visual devices in areas of the school not under renovation. The proponent felt they were misinterpreting IFC 907.5.2.3. Following discussion, Commissioner Mitchell moved no variance required, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (72) 15-07-66 Beacon Project Cardiology and Nursing, Vincennes

Christina Colleter, RTM Consultants, spoke as proponent. This was an amended application for variance 15-05-69, Beacon Project Cardiology and Nursing. The signature of the owner was a photocopy instead of an original signature. Commissioner Brown moved to approve with the condition that the original signature is to be submitted to staff within one week. Commissioner Richard made the second. It was voted upon and carried.

- (73) 15-07-67 Pie Five Pizza Company, Indianapolis

The application was withdrawn.

Commissioner Brown noted that the applications 15-07-68 through 15-07-73, should be removed from the agenda because they had not been given a staff review, checked for accurate codes, and the members of the Commission, LFO's and LBO's have not had a chance to read and review the applications. He then made a motion to do so. Chairman Hawkins asked if there was a second. Motion died from lack of second.

- (74) 15-07-68 Villas at the Plaza, Southport

Melissa Tupper, RTM Consultants, spoke as proponent. A new 3-story apartment building will have unseparated, mixed use on the first floor, and apartments above. The apartments would be separated from these uses with a 2-hour occupancy separation, and the request was to allow a 2-hour fire wall to not be structurally independent. A row of close space sprinklers will be provided on each side of the fire wall on each level. Following questions concerning the fire walls which the proponent was unable to answer, Commissioner Von Deylen moved to table, with the second by Commissioner Scheurich. It was voted upon and carried. Commissioner Brown abstained.

- (75) 15-07-69 Market Square North, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request is to allow a 4 foot high fence around a 5<sup>th</sup> floor outdoor swimming pool in the amenities area of the building, in lieu of the 6 foot high fence required by code. The apartment caters mainly to adult residents, and it was felt a 4 foot fence around the pool itself would be an adequate barrier. There is a guard rail around the perimeter of the floor. Following discussion, Commissioner Hite moved to approve with the condition that the pool be used by residents and guests only. Commissioner Von Deylen made the second. It was voted upon and carried with one nay. Commissioner Brown abstained.

(76) 15-07-70(a)(b)(c)(d)(e) Market Square North, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow the two emergency generators ventilation air to be taken from the open parking garage instead of using outside air. Both garage and apartment building are sprinklered. Commissioner Von Deylen moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried. Commissioner Brown abstained. Variance (b) was to allow the use of metal, perforated panels in the sprinklered, open parking garage. Commissioner Von Deylen moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Commissioner Brown abstained. Variance (c) was to omit electrical outlets on balconies. Following discussion, Commissioner Von Deylen moved to approve with the condition that, by inclusion in the lease, no electrical line voltage usage is to be allowed on balconies, with the second by Commissioner Hite. It was voted upon and carried with 2 nay votes. Commissioner Brown abstained. Variance (d) was a request to omit dressing areas and baby changing tables from the pool area, while providing toilet rooms. Code requires them within 300 feet of the pool. Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Brown abstained. Variance (e) was to allow a "wading pool" as part of the main pool, not 20 feet away as required by code. This low level water area type of design has also been referred to as a "sun deck". Jeff Dean, City of Indianapolis, asked if a wading pool was defined by depth of water in the code. Following discussion, Commissioner Von Deylen moved no variance required, with the second by Commissioner Hite. It was voted upon and carried. Commissioner Brown abstained.

(77) 15-07-71 St. Thomas Aquinas School, Marion

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. An addition of approximately 320 square feet is being made to provide a LULA for accessibility to the second level. This addition, roughly less than 1% of the building, would put the school into non-compliance for allowable area. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Furnish. It was voted upon and carried. Commissioner Brown abstained.

(78) 15-07-72 On the Way Gas Station and Convenience Store, Bloomington

Carrie Ballinger, RTM Consultants, spoke as proponent. Two 5-ton rooftop HVAC units have been installed 6 to 7 feet from the roof edge without the required guards. Tie-off anchors have been permanently installed to provide fall protection, a preference of the Bloomington Planning Department, to comply with OSHA regulations. Commissioner Richard moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried. Commissioner Brown abstained.

- (79) 15-07-73(a)(b) Tate & Lyle South Plant, Lafayette

Tim Callas, J&T Consulting, spoke as proponent. In an effort to protect storage tanks for syrup in the starch plant, and storage tanks for caustic used in the process, the owner proposed to enclose the area. The request in variance (a) is to omit the automatic fire suppression system. The existing building has storage tanks filled by the existing tanker offloading operation which is not protected by an automatic system, and this enclosure would not add to hazard or decrease compliance. Variance (b) was a request to omit sprinklers in the currently unsprinklered caustic holding area. Separation by a 4-hour fire wall would not be practical due to the large amount of process piping and loading/offloading piping that would penetrate it. Following discussion, Commissioner Mitchell moved to approve both, with the second by Commissioner Jordan. It was voted upon and carried. Commissioner Brown abstained.

- (80) 15-07-75(a)(b)(c)(d) IU Assembly Hall, Bloomington

Ralph Gerdes, Ralph Gerdes Associates, spoke as proponent. The designer and the local fire official had not acknowledged receipt of the variance, making the application incomplete and ineligible to be heard. Commissioner Von Deylen moved to table, with the second by Commissioner Mitchell.

- (81) 15-07-76 LifeScience Logistics Custom Vault, Brownsburg

Christina Colletter, RTM Consultants, spoke as proponent. A high security vault system was being installed for storage of Schedule II controlled substances by the DEA. The request was to allow doors to the high security modular vault which do not comply with the current IBC. The doors are required to comply with Federal specs for vault doors which incorporate a lockable box with an emergency escape mechanism. Following discussion, Commissioner Richard moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Commissioner Brown abstained.

Mr. Richard O. Albright, P.E., is a consulting engineer for residential construction firms. He had requested clarification of Section 403.1.6; foundation anchorage, from the Indiana Residential Code. There is some confusion concerning the language used concerning interior bearing wall sole plates on monolithic slab foundations, and how it should be interpreted. Chairman Hawkins stated they would work on a non-rule policy to help.

## 5. Discussion and possible Commission action

New Prairie Senior High School  
Administrative Cause No. DHS-1507-FPBSC-004  
Non-final Order of Dismissal

Vanderburgh County Jail  
Administrative Cause No. 14-06  
Non-final Order of Dismissal

Commissioner Von Deylen moved to affirm the Non-final orders of Dismissal. Commissioner Furnish made the second. It was voted upon and carried.

Indy Storage Depot  
Administrative Cause No. 14-29-FPBSC  
Notice of Non-final Order

Commissioner Mitchell moved to affirm the Notice of Non-final Order. Commissioner Richard made the second. It was voted upon and carried.

L. M. Zeller et al.  
Administrative Cause No. 14-12  
Notice of Non-final Order

Following an overview of the information presented by the Administrative Law Judge, it was thought that the Commission should review the findings, and announced August 17<sup>th</sup> as the day by which briefs should be filed. Commissioner Von Deylen made said motion, with the second by Commissioner Mitchell. It was voted upon and carried.

## 6. Discussion and Commission actions on Petition for Review (Timely filed unless otherwise noted)

Young Men's Christian Association Jorgenson Cabin  
Order – Div. of Boiler and Pressure Vessel Safety

Regal Adult Day Services  
Order – Fire and Building Code Enforcement

Goosetown Restaurant  
Denial of variance 15-06-50

Hope Worship Center  
Order – Fire and Building Code Enforcement

Brennenman Day Care  
Order – Fire and Building Code Enforcement

Jake's Fireworks Inc.  
Certificate of Compliance #FWT28407

Commissioner Mitchell moved to approve the timely filed appeals. Commissioner Von Deylen made the second. It was voted upon and carried.

#### 7. Fire Alarm Non-Rule Policy

Kevin Troy, State Fire Marshal Office, introduced the Fire Alarm Non-Rule Policy. He had provided a copy of a Non-Rule Policy written by Fire Marshal staff which gave examples and guidelines to be used when changes to fire alarm systems are made to help determine if they now need to be filed with Plan Review. The members of the Commission were to read it and discuss next meeting.

#### 8. Comments – Chairman Hawkins

The Chairman apologized for all the procedural issues that needed to be dealt with this month, and promised we would try to do better. He thanked everyone for coming.

#### 9. Chairman Hawkins then adjourned the meeting at 5:34 p.m.

APPROVED

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John Hawkins, Chairman